

REMARKS

By this paper, Applicant has amended Claims 1, 2, 24, 26, 33, and 35. Support for these amendments can be found at, for example, Fig. 9. Hence, Claims 1-48 are pending in this application. Applicant respectfully requests entry of the foregoing amendments and following remarks.

Interview on May 25, 2010

Applicant wishes to thank Examiner Disler Paul for the courtesy extended to Applicant's representatives in the telephonic interview conducted on May 28, 2010. Applicant believes that considerable progress toward allowance of the claims was made during the interview.

Claim Rejections under 35 U.S.C. 103(a)

Claims 1-4, 9, 16, and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow (U.S. Patent No. 6,925,188) and Thayer (U.S. Patent No. 5,732,140). Claims 5 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow and Thayer and Donohoe (U.S. Patent No. 5,737,123). Claims 10, 17, 37, and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow and Thayer and Simon (U.S. Patent No. 2001/0027560 A1). Claims 6-8, 11-15, 18-21, 26-28, 30-36, 38-43, and 45-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow and Thayer. Applicant respectfully submits that amended Claims 1-48 are allowable over the prior art of record as discussed below.

Independent Claims

Each of independent Claims 1, 2, 24, 26, 33, and 35 recites, *inter alia*, a "generally vertical wall." As discussed during the interview of May 28, 2010, and agreed upon by Examiner Disler Paul, none of the cited art teaches or suggests all of the limitations of each of amended Claims 1, 2, 24, 26, 33, and 35. Therefore, Applicant respectfully submits that each of Claims 1, 2, 24, 26, 33, and 35 is allowable over the prior art of record.

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Dependent Claims

Claims 3-23, 25, 27-32, 34, and 36-48 each depend from one of independent Claims 1, 2, 24, 26, 33, or 35, and further define additional features. In view of the patentability of their base claim, and in further view of the additional features, Applicant respectfully submits that the dependent claims 3-23, 25, 27-32, 34, and 36-48 are patentable over the applied prior art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein.

Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves

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the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the apparatuses/methods recited by the pending claims.


The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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